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SENATE

REPORT
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LYNNE CLEAVER AND HER CHILD LEIGH ALISON CLEAVER

AUGUST 6 (legislative day, AUGUST 4), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary,
submitted the following

REPORT

ORIGINAL

[To accompany S. 1957]

The Committee on the Judiciary, to which was referred the bill (S. 1957) for the relief of Lynne Cleaver and her child Leigh Alison Cleaver, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Lynne Cleaver and her child Leigh Alison Cleaver. The bill provides for the payment of the required visa fees and for appropriate visa number deductions.

STATEMENT OF FACTS

The beneficiary, Lynne Cleaver, originally applied for suspension of deportation under section 244(a)(1), claiming seven years continuous residence. The judge turned down her petition. She had claims one of her children needs special medical attention in the United States for plastic surgery for a burn.

Lynne Cleaver, who is not married, but is the mother of four children. The three boys are Jess 13 years old, Tasman 7 years old, and Luke 2 years old who were all three born in New York. Leigh Alison Cleaver is a legal permanent resident of England and resides there with her father. She was born in Australia February 20, 1970 and is sixteen years old.

A letter, with attached memorandum, dated May 15, 1986, to the Chairman of the Senate Committee on the Judiciary, from the Im-

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migration and Naturalization Service with reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, May 15, 1986.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 1957) for the relief of Lynne Cleaver and Leigh Alison Cleaver, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that visa number deductions be made.

The beneficiaries, one a native of New Zealand and the other a native of Australia, are chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

FOR THE COMMISSIONER
MARVIN T. ELY

(for Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: S. 1957

The beneficiary, Lynne Cleaver, a native and citizen of New Zealand, was born on January 25, 1948 in New Zealand. The beneficiary, Leigh Alison Cleaver, a native and citizen of Australia, was born on February 20, 1970 in Australia.

The beneficiary, Lynne Cleaver, who is not married and the mother of four children, resides in New York, New York with her three youngest United States citizen children. These three children, all born in New York, New York, are Jess Cleaver who was born May 18, 1973, Tasman Cleaver who was born August 1, 1978, and Luke Bleeker who was born January 26, 1984. They are dependent upon the beneficiary for all their support and attend public schools. She claims to receive no child support from their father or any type of state or federal aid. She has been employed full-time since January 1984 as a secretary and earns about \$425 per week. She has no savings or outstanding liabilities other than her monthly rent of \$318 per month. Her father is deceased and her mother and sister are natives and residents of New Zealand.

The beneficiary, Lynne Cleaver, entered the United States as follows: on April 24, 1971 as a foreign media representative and departed December 24, 1971; entered on December 26, 1971 in the same status and departed No-

vember 18, 1972; entered on November 22, 1972 as a non-immigrant visitor and departed March 31, 1974; on April 27, 1974 as a foreign media representative and departed May 1, 1976; and her last entry as a foreign media representative was May 20, 1976, with authorization to stay until May 20, 1977. On December 26, 1979, deportation proceedings were instituted against the beneficiary. On August 29, 1980, her application for suspension of deportation was denied by an immigration judge and she was given three months to voluntarily depart the United States. She appealed the immigration judge's decision to the Board of Immigration Appeals and subsequently appealed to the Second Circuit Court of Appeals. On October 31, 1985, her petition for rehearing was dismissed by the Second Circuit Court of Appeals. On January 24, 1985, a warrant of deportation was issued.

The beneficiary, Leigh Alison Cleaver, is not married and is the eldest child of Lynne Cleaver. She is a legal permanent resident of England and is currently residing there with her father, Sinclair Robeson. She has attended high school in England since the middle of 1983. She last entered the United States in November 1985 as a nonimmigrant visitor for pleasure and departed on January 5, 1986 to resume her high school studies in England. She is dependent upon her father for all her support.

Senator Daniel Patrick Moynihan has submitted the following information in support of his bill:

RELIEF OF LYNNE CLEAVER AND HER CHILD LEIGH ALISON
CLEAVER

Mr. MOYNIHAN. Mr. President, I rise to introduce a private bill for the relief of Lynne Cleaver and her child Leigh Alison Cleaver.

The situation of Mrs. Cleaver, who is an Australian national, and her child is one that commends itself to me as ordinary decency in the treatment of persons at work in this country who have supported themselves and have made themselves invaluable members of the community, but who have also found themselves in the situation where through no fault of their own, they are likely to have their children separated one from the other if they are required to return to Australia.

It is my great hope that the Committee on the Judiciary might expedite the consideration of this matter and that the Immigration and Naturalization Service will, in the mean-time, stay its deportation, which would serve no useful purpose, and which would jeopardize children in a way that none of us would wish to have happen.

COST

No cost would result from enactment of this bill.

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REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact inasmuch as it affects just two individuals.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1957) should be enacted.

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